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Calendar No. 816

97TH CONGRESS, 2d Session | SENATE | REPORT No. 97-554

ORIGINAL

PADDY CREEK WILDERNESS ACT OF 1981

SEPTEMBER 20 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. BAKER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1965]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1965), to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately six thousand eight hundred and eighty-eight acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area", as a component of the National Wilderness Preservation System, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 1965, as reported, would designate a 6,888-acre area in the Mark Twain National Forest, Missouri, as a component of the National Wilderness Preservation System. The area would be named the Paddy Creek Wilderness.

BACKGROUND AND NEED

In the last Congress, four areas in Missouri were designated as wilderness by Public Law 96–560. Two additional areas were identified for further planning during the RARE II process. They include the areas known as the Irish Wilderness and Paddy Creek (S. 1965), a Congressionally designated wilderness study area.

S. 1965 would designate as wilderness the 6,888 acre Paddy Creek area which was classified as a wilderness study area by Public Law 94–557 on October 19, 1976. The Forest Service completed the wilderness study and has submitted the proposal to the President. A recommendation for designation of a 6,728-acre Paddy Creek Wilderness was transmitted to Congress by the Administration on September 13, 1982.

The "wilderness quality" rating of the Paddy Creek compares favorably to the four Missouri areas designated during the 96th Con-

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gress. Its vegetation is diverse and predominately forested. The strikingly clear Paddy Creek and Little Paddy Creek, typically Ozark, with gravel beds and alternating runs and pools, wind through the area. Rugged outcroppings of rock line the creek valleys and form a multtude of caves, crevasses, and fissures. Opportunities exist for both solitude and adventure that can provide challenge and require self reliance and judgment.

There are no foreseen significant adverse economic effects on Texas County, the surrounding counties, or the State. A minerals investigation concluded that the area is underlain with geologic formations typical of known host rocks for the important lead-zinc-silver-copper and magnetic iron deposits of the Southern Missouri District about 50 miles to the east. Extrapolation of data suggest that the area's potential for such mineral resources is low but it cannot be confirmed or ruled out without deep drilling and magnetic surveys. The estimated potential yield of timber is less than 600,000 board feet per year.

There are three parcels of non-National Forest System land within the area. All three are privately owned: one 40 acres by an individual and the other two parcels, 40 and 80 acres, by a corporation. It is anticipated that the two corporate-owned parcels will be exchanged to the Forest Service.

LEGISLATIVE HISTORY

S. 1965 was introduced by Senators Eagleton and Danforth on December 15, 1981. The Public Lands and Reserved Water Subcommittee received testimony on S. 1965 on May 27, 1982. The Administration transmitted a recommendation for designating a 6,728-acre Paddy Creek Wilderness to Congress on September 13, 1982.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on September 15, 1982, by unanimous vote of a quorum present recommends that the Senate pass S. 1965 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Domenici	
Mr. Wallop	
Mr. Warner [1]	
Mr. Humphrey [1]	
Mr. Murkowski	
Mr. Nickles	
Mr. East [1]	
Mr. Heinz [1]	
Mr. Jackson	
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Matsunaga [1]	
Mr. Melcher	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 provides for a short title.

Section 2 designates certain lands in the Mark Twain National Forest, Missouri, as wilderness and names the area the Paddy Creek Wilderness. The lands are identified and referenced by a map.

Section 3 outlines the procedures for filing the map and legal description with appropriate committees of Congress.

Section 4 states the area is to be managed in accordance with the Wilderness Act of 1964 and the Act of January 3, 1975 (Eastern Wilderness Act).

COST AND BUDGETARY CONSIDERATIONS

The Committee does not anticipate any additional budgetary impact from enactment of S. 1965, to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area", as a component of the National Wilderness Preservation System.

The measure (S. 1965) does not authorize any additional budget authority. In the event that there are any administrative costs associated with the bill, the Committee intends that any expenses be absorbed within funds otherwise available to the Department of Agriculture.

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. SENATE,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 20, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1965, the Paddy Creek Wilderness Act of 1981, as ordered reported by the Senate Committee on Energy and Natural Resources, September 15, 1982.

This bill adds approximately 6,888 acres of land in the Mark Twain National Forest, Missouri, to the national wilderness preservation system. Based on information from the National Forest Service, it is estimated that additional costs for the surveying, planning and related activities associated with the wilderness designation will be approximately $50,000 per year during the next three fiscal years.

The provisions of the National Wilderness Preservation Act stipulate that all timber located in units of the national wilderness preservation system be removed from the timber base of the national forest in which it is located. However, because the annual cut in the Mark Twain National Forest does not approach the maximum timber harvest allowed, no federal timber receipts are expected to be forgone as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1965 as reported. S. 1965 would designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area", as a component of the National Wilderness Preservation System.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 1965.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and the Department of Agriculture's recommendation to the President received by the Committee from the Department of Agriculture setting forth Executive agency recommendations relating to S. 1965 are set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 24, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to recommend for designation as wilderness the Paddy Creek Wilderness Study Area on the Mark Twain National Forest in Missouri.

This recommendation is based on the study and report prepared by the Forest Service pursuant to Section 3 of Public Law 94-557, October 19, 1976. This Act directs the Secretary of Agriculture to review the study area for its suitability or nonsuitability for preservation as wilderness and report his findings to the President, who shall then advise the United States Senate and House of Representatives of his recommendations.

Three other Missouri areas, also directed for study by this Act, were included in the RARE II recommendations transmitted by President Carter to the Congress on May 2, 1979. They were designated as wilderness during the 96th Congress. The Paddy Creek Wilderness Study Area was not included in the RARE II wilderness recommendations at the request of then Congressman Richard Ichord who felt the full study process should be followed.

The Final Environmental Impact Statement/Study Report for the Paddy Creek area is enclosed. Public hearings, the necessary public notices, and the required reviews by the State and other agencies have been completed as directed.

Based on the results of the study and comments resulting from public involvement, I have concluded that 6,728 acres of federally-owned

land within the 6,888-acre study area should be designated as wilderness.

Approximately 8.5 million people live within a 250 mile radius of the study area. Designation of the area as wilderness will provide additional wilderness in an area deficient in this resource compared to its population and will provide closer access to a wilderness by residents of Iowa and Kansas who do not have designated wilderness in their States.

The "wilderness quality" rating of the area compares favorably to the four Missouri areas designated during the 96th Congress. Its vegetation is diverse and predominately forested. The strikingly clear Paddy Creek and Little Paddy Creek, typically Ozark, with gravel beds and alternating runs and pools wind through the area. Rugged outcroppings of rock line the creek valleys and form a multitude of caves, crevasses and fissures. Great boulders are strewn along the base of the outcroppings. The area's natural geology and soils are of scientific interest because they have not been subjected to the glaciation common to other parts of Missouri and the Midwest. Opportunities exist for both solitude and adventure that can provide challenge and require self reliance and judgment.

On the other hand, no significant adverse economic effects to Texas County, surrounding counties or to the State are foreseen. A minerals investigation concludes that the area is underlain with geologic formations typical of known host rocks for the important lead-zinc-silver-copper and magnetic iron deposits of the Southeast Missouri District about 50 miles to the east. Extrapolation of data suggests that the area's potential for such mineral resources is low but it cannot be confirmed or ruled out without deep drilling and magnetic surveys. The estimated potential yield of timber is less than 600 thousand board feet per year. As an indication of economic impact, the estimated employment impact under wilderness is estimated to be 6 person years.

Public response to the proposal is heavily in favor of wilderness. Of the 255 written responses on the draft environmental impact statement, 205 (with 1,975 signatures) favored wilderness and 50 (with 193 signatures) favored nonwilderness. In Texas County, 188 signers favored nonwilderness while 90 signers favored wilderness, clearly indicating that a majority in the immediate area preferred nonwilderness.

As provided in section 3(d) of Public Law 94–557, the study area will be managed so as to maintain its presently existing wilderness character, for 4 years after your recommendation to the Congress, unless the Congress determines otherwise. At that time, management direction will be subject to the provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

Sincerely,

JOHN R. BLOCK,
Secretary.

Enclosure.

A BILL To designate certain lands in the Mark Twain National Forest, Missouri as the Paddy Creek Wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in the Congress assembled,

That, in furtherance of the purpose of the Wilderness Act, certain lands in the Mark Twain National Forest, Missouri, comprising about six thousand seven hundred and twenty-eight acres as depicted on a map entitled "Paddy Creek Wilderness," dated January 22, 1981, are hereby designated as the Paddy Creek Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Wilderness with the Energy and Natural Resources Committee, United States Senate, and the Interior and Insular Affairs Committee, House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness designated by this act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill, S. 1965, as reported.

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